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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/987,529 | 11/15/2001 | Yasuhiro Hino | 35.C15947 | 7272 |

5514 7590 05/17/2006

FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

KANG, ROBERT N

ART UNIT PAPER NUMBER

2625

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|-------------------------------|--------------------------------|------------|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 09/987,529 | Applicant(s) HINO, YASUHIRO | |
| | Examiner Robert N. Kang | Art Unit 2625 | <i>PNK</i> |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

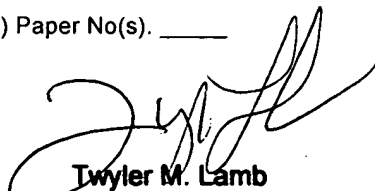
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached Examiner's response.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


Twyler M. Lamb
 Supervisory Patent Examiner

DETAILED ACTION

Response to Amendment

The Applicant's After-Final Amendment filed 5/05/2006 do not change the scope of the invention or require a new search; however, the arguments are unpersuasive and therefore the amendment is not entered.

Response to Arguments

Applicant's arguments filed 5/05/2006 have been fully considered but they are not persuasive. Traversal of claim rejections is denied.

Applicant argues "Nehab fails to disclose or suggest at least sending acquisition information for acquiring data and layout information necessary for assigning an image to an external apparatus." Applicant further states "if the image forming apparatus in Nehab comprises the host machine and the printer, the image forming apparatus does not send acquisition information and layout information to an external apparatus. Rather, the personal-news-profile 19 is stored in disk 5 of the host machine and used by the web printer 17." The examiner clearly stated that the client-server architecture disclosed in page 4 is designated by "drawing a horizontal line on figure 6 between the web printer and the site profile 20 and the personal news profile 19... this horizontal line represents a network connection between the host machine containing elements 19 and 20, and the web printer 17." Thus, the server contains the web printer 17, and by the applicant's own admission, the "personal news profile 19 stored in disk 5 of the host

machine is used by the web printer 17.” Thus the personal news profile is sent to an “external apparatus.”

Applicant has included claims 12, 15, 27, and 30 as parts of various independent claims; however, this does not change the fact that Nehab anticipates this feature. As disclosed previously on page 15 of the non-final rejection, Nehab discloses in column 10, lines 12-14, that the “layout editor 39 is capable of determining the types of fonts and colors available to the user based on the system’s printer capabilities.” From this, a default layout is specified. Therefore, If a user creates a layout which uses fonts and colors that are unsupported by the “function and status” of the printer, the default layout is utilized, without a user requiring to “check the function or status of the image forming apparatus.” Applicant states that the default layout is provided by the “host machine, and thus may not correspond to the function of the status of the printer connected to the host machine.” However, this directly contradicts Nehab’s statement. Therefore, this argument is unpersuasive.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner would like to inform the applicant that art unit 2622 has been re-designated as art unit 2625 due to organizational restructuring with the Patent & Trademark Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert N. Kang whose telephone number is 571-272-0593. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler M. Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

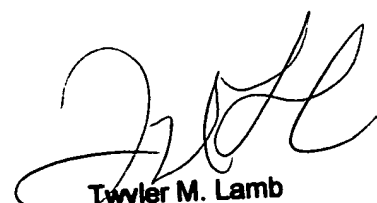
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'R. Kang', with a long horizontal flourish extending to the right.

Robert N. Kang

A handwritten signature in black ink, appearing to read 'T. Lamb', with a large, stylized initial 'T' and a long horizontal flourish extending to the right.

Twyler M. Lamb
Supervisory Patent Examiner